

REMARKS

Claims 1-31 are now pending in the application. Claims 1-2 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,153,505 to Abita et al. ("Abita"); claims 3-5, 10-14, 18-21, and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abita in view of U.S. Patent No. 5,722,646 to Soderberg ("Soderberg"); claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abita in view of U.S. Patent No. 6,712,347 to Fredrickson; claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abita in view of U.S. Patent No. 4,286,778 to Follmeyer ("Follmeyer"); claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abita and Follmeyer and further in view of U.S. Patent No. 5,243,745 to Varnau ("Varnau"); claims 15, 22, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abita in view of Soderberg and in further view of Fredrickson; claims 16, 23, and 30 stand rejected under 35 U.S.C. § 103(a) over Abita in view of Soderberg and in further view of Follmeyer; and claims 17, 24, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abita in view of Soderberg and further in view of Varnau. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-2 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Abita (U.S. Patent No. 5,153,505). This rejection is respectfully traversed.

Independent claims 1, 10, 18, and 25 have been amended such that the reconfigurable pallet is for an assembly line and to include the limitation that the modular stanchions are load-bearing and the pallet is configured to support heavy-weight structures such as engines, chassis, and vehicle sub-assemblies. The Examiner's attention is respectfully directed to amended independent claims 1, 10, 18, and 25. These claims have been amended to include the limitation that the stanchions are configured to support the structure during an assembly operation and further configured to support the structure during the movement from a first assembly line station to a second assembly line station. Applicant notes that the cited references are used for the testing of electrical circuits and not used to support the circuits during assembly processes. In this regard, applicant submits that the stresses and loads induced on to the support structure are entirely different during an assembly process when compared to the simple "testing" as shown in Abita. As such, the structure of Abita is not configured to support a "structure" during assembly operations.

Support in the Specification for the amendments is at page 6, paragraph 0025 "to support heavier products such as an engine" and at page 5, paragraph 0023 "the generic assembly line 10 can depict an engine, chassis, a vehicle sub-assembly or any type of vehicle oriented assembly line. More broadly, the generic assembly line 10 can depict any type of assembly line across all industries."

Abita is directed to a test fixture for testing electrical circuits (column 2, lines 12-15). The fixture is adaptable for subminiature and various micro-scale circuits having an area as small as 0.10 cm^2 (column 2, lines 51-62 and column 4, lines 60-63). These circuits are generally not load-inducing because they weigh merely a few grams. The

ultralight weight and fragile nature of the electrical circuits require delicate or fragile connector assemblies that are incapable of supporting a load, such as an engine, chassis, or vehicle sub-assembly. Applicant respectfully distinguishes the small weight of the circuits from an engine, chassis, or vehicle sub-assembly as these items are generally more than several feet long and may weigh hundreds to thousands of pounds, depending on the particular vehicle to which the product is to be attached. The structure of Abita does not disclose a system that can be used with heavy-weight items such as engines, chassis, or vehicle sub-assemblies. Applicants have eliminated the phrase "vehicle component" from independent claims 1, 10, 18, and 25 and thereby address the Examiner's concern of a circuit board being a vehicle component. Applicants traverse the Examiner's Official Notice that a circuit board is included in the definition of a vehicle component.

Insofar as the cited reference does not disclose the invention of claims 1, 10, 18, and 25, Applicants believe that independent claim 1 and, by dependence, claims 2 and 6 are now distinguished from the prior art, and that, accordingly, the rejections under 35 U.S.C. § 102(b) should be withdrawn. Consideration and action in that regard are respectfully solicited.

Additionally, Applicants respectfully traverse the Examiner's incorrect assertion that statements of intended use have no patentable significance. Intended use and other functional type language are useful for defining and differentiating elements of the claims. The use of Applicants' pallet in conjunction with an assembly line and the pallet being configured to support heavy-weight structures such as engines, chassis, and vehicle sub-assemblies provides function for the components and also defines the load-

bearing properties that the pallet must include. It is old and well-established case law that mandates that statements such as those used by Applicants do have patentable significance. *In re Land*, 151 USPQ 621 (CCPA 1966) portions of the claims were functional but nevertheless, the claim was patentable over the prior art. *In re Swinehart*, 169 USPQ 226 (CCPA 1971), the court stated "In our view, there is nothing intrinsically wrong with the use of such a technique [use of functional language] in drafting patent claims. Indeed we have recognized in the past the practical necessity for use of the functional language." The Examiner is also respectfully pointed to *In re Ludtke*, 169 USPQ 563, 566 (CCPA 1971), *In re Atwood*, 148 USPQ 203, 210 (CCPA 1966), and *In re Bisley*, 94 USPQ 80, 83 (CCPA 1952).

REJECTION UNDER 35 U.S.C. § 103

The Examiner's attention is respectfully directed to the discussion of amendments and Abita in remarks directed to the 35 U.S.C. § 102(b) rejection.

As amended, independent claims 1, 10, 18, and 25 provide a reconfigurable pallet for an assembly line where the modular stanchions are load-bearing and configured to support a heavy-weight structure such as an engine, chassis, or vehicle sub-assembly. Applicants assert that the primary reference Abita does not provide the elements of a reconfigurable pallet for an assembly line having load-bearing modular stanchions, and the secondary references Soderberg, Frederickson, Follmeyer, and/or Varnau fail to remedy the Abita deficiency. Therefore, the various combinations of Abita, Soderberg, Fredrickson, Follmeyer, and/or Varnau fail to teach or suggest any of the claimed matter of independent claims 1, 10, 18, and 25 and dependent claims 2-8,


11-17, 19-24, and 26-31. Applicants believe that all independent claims and dependents therefrom are patentably distinguished from the cited references. Accordingly, the respective rejections under 35 U.S.C. § 103(a) should be withdrawn. Consideration and action in that regard are respectfully solicited.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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